IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL
Writ Petition No. 827 of 2005 (S/S)

Narendra Prasad Bhatt
Aged about 54 years
S/o Sri Bacchi Ram Bhatt
Presently posted as Division Accountant
In the office of the Executive Engineer,
Garhwal jal Sansthan, Chamoli
District – Chamoli … Petitioner

Versus

1. General Manager
Garhwal Jal Sansthan
Jal Bhawan, Nehru Colony, Dehradun

2. The Executive Engineer
Anurakshan Khand,
Garhwal Jal Sansthan, Chamoli

3. Sri S.L. Upadhyay
S/o Not known
Presently posted as Accountant in the office
Of the General Manager,
Garhwal Jal Sansthan, Pauri

4. Director Finance
O/o Chief General Manager,
Uttaranchal Jal Sansthan, Jal Bhawan
Nehru Colony, Dehradun … Respondents

Sri Subhash Upadhyay, learned counsel for the petitioner.
Shri Rakesh Thapliyal, learned counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, a direction has been sought in the nature of certiorari quashing the transfer order dated 14.06.2005 annexure 4 to this writ petition.

Brief facts giving rise to this writ petition are that the petitioner is a Senior Account Clerk and he has been transferred form Chamoli to the office of General Manager, Garhwal Jal Sansthan Pauri. It has been

averred in the writ petition that the petitioner had been working as Divisional Accountant for 9 years and his services were not regularized on the said post hence he filed this writ petition before the Hon'ble Allahabad High Court and this writ petition was decided by the Uttaranchal High Court after creation of the State. This court directed respondent no. 2 to consider the case of the petitioner for regular appointment on the post of Divisional Accountant to pay salary on the post of which he is working. The petitioner on 11.04.2005 was promoted to the post of Accountant and he joined the said post on 12.04.2005. It is also mentioned in the writ petition that the respondents felt annoyed with the petitioner for his filing of the writ petition, hence transferred him from Chamoli to Pauri, therefore, this transfer cannot be said to have been passed in public interest.

Heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner has argued that the impugned transfer order is neither in public interest nor in administrative but it is only to accommodate the respondent no. 3, i.e., S.L. Upadhyay.

I do not find any merit in the argument advanced by the learned counsel for the petitioner.

I could not lay my hand on any material available on the record which may smell about the malafidies.

Learned counsel for the petitioner has submitted that the post is available at Chamoli and the petitioner can also be accommodated at Chamoli.

Although there is no material in this regard but in case if that is so, then I direct the respondent no. 1 to

consider the matter of the petitioner in a sympathetic and positive manner.

The writ petition is finally disposed of. The respondent no. 1 is directed to reconsider the matter pertaining to the transfer of the petitioner in a sympathetic and positive manner within a period of one month after filing the certified copy of this judgment.

(B.C. Kandpal, J.)

25th June, 2005
Shiv